

**MINUTES  
TOWN OF INDIAN RIVER SHORES  
REGULAR TOWN COUNCIL MEETING  
Thursday, January 27, 2005**

PRESENT: Thomas W. Cadden, Mayor  
John A. Klein, Vice Mayor  
David J. Becker  
William H. Ahrens  
E. William Kenyon

STAFF PRESENT: Chester Clem, Town Attorney  
Robert J. Bradshaw, Town Manager  
Barbara Readdy, Town Clerk  
Judy Lewis, Town Treasurer  
Richard Jefferson, Building Official  
Hugh Cox, Director of Public Safety

Also Present: Gerard Weick, Chairman, PZV Board  
Joseph Duncan, Chairman, Finance Committee  
Ross Whitley, CPA, Partner, Berman, Hopkins, Wright and LaHam

The regular Town Council meeting was called to order by Mayor Cadden on January 27, 2005 at 3:30 p.m.

Pledge of Allegiance  
Invocation - Councilman Kenyon  
Roll Call

Consent Agenda:

- a. Approval of Regular Town Council Meeting Minutes of December 16, 2004
- b. Accepting and Filing of Finance/Audit Committee Meeting Minutes of January 7, 2005
- c. Accepting and Filing of Planning, Zoning and Variance Board Minutes of January 10, 2005
- d. Appointment of Canvassing Board for March Council election-WITHDRAWN
- e. Approval of annual Medical Director Agreement for period 1/1/05 - 12/31/05
- f. Approval of invoices for auditing services

A **MOTION** by Mr. Klein, supported by Mr. Kenyon, to accept the Consent Agenda with the modifications, as presented. Dr. Becker requested that a clarification be made to the minutes of the December 16, 2004 Council meeting minutes. Referring to the tabled item, "Approval of request for dock permit located at Lot 3, Plat 55, John's Island," Dr. Becker asked that it be added after the conclusion of the discussion and before the Council vote that Mr. Kasten had been asked whether he was in approval of the dock permit issuance after the modifications made in the discussion and his answer was "yes." Dr. Becker added that he confirmed that by calling Mr. Kaston before this meeting. Motion carried with unanimous voice vote.

**Mayor's Items:**

- a. Mayor Cadden spoke of the outstanding performance by the Public Safety officers under the direction of the Director, Chief Hugh Cox, during and after Hurricanes Frances and Jeanne. On behalf of the Council and residents he presented Chief Cox with a bronze plaque to be mounted on the Public Safety building showing appreciation for their performance, dedication and compassion. Chief Cox accepted the plaque and thanked the Mayor and members of Council.
- b. Town Manager's evaluation. Mayor Cadden reported that Council all participated in the evaluation and he summarized the evaluations and reviewed them with Mr. Bradshaw. Mayor Cadden stated his performance was in the top quartile and because of the performance he was recommending a salary adjustment to become effective January 1, 2005 in the amount of \$6,000. A MOTION by Mr. Kenyon, supported by Mr. Klein, to approve the performance salary adjustment in the amount of \$6,000. Motion carried with unanimous voice vote.
- c. Resolution No. 05-03 - amending the Town of Indian River Shores Defined Benefit plan to delete the single sum payment option.

Mayor Cadden reported that at the Pension Trustee Board meeting held Tuesday, January 25, 2005, an issue arose that he believed had already been taken care of through a review of the pension plan documents by the Pension Attorney; that is, the deletion of the single lump sum payment upon retirement of an employee in the Defined Benefit plan. The purpose of the plan was that an employee would be guaranteed a monthly benefit based on years of service multiplied by a factor and the monthly average of the five last years of service. The Principal document allowed large lump sum withdrawals and this was not the intention of the original pension plan; this could significantly deplete the plan and we could not afford to pay a major lump sum payment. This was also advice given to us by our Actuary. This resolution was drafted by our Pension Attorney. Mr. Kenyon questioned if the Council is legally clear to change the conditions of the pension plan. Mayor

Cadden assured Mr. Kenyon this was reviewed in great detail. All the pension plan structure has been accomplished by resolution as opposed to ordinances. Dr. Becker questioned if this could be done for employees who have been employed for some period of time legally and fairly. Mayor Cadden responded this would be effective at the Council meeting if it passes Council today, and there would be no lump sum withdrawals after today. A MOTION by Mr. Kenyon, supported by Mr. Klein, that Resolution No. 05-03 be adopted. Motion carried with unanimous voice vote.

**Planning, Zoning and Variance Board:**

- a. Following presentation by Chairman Weick, a MOTION by Mr. Kenyon, supported by Mr. Klein, to approve Estuary, Phase II, Final Plat. Motion carried with unanimous voice vote.
- b. A MOTION by Mr. Klein, supported by Mr. Kenyon, to approve the street name changes as presented for Indian Trails and Baytree Subdivisions. The street in Indian Trails would change from Totem Trail to Seaside Trail. The streets in Baytree would change from Julia Lane to Bay Leaf Lane, and from Jacqueline Lane to Oak Leaf Lane. Motion carried with unanimous voice vote.

**Finance:**

- a. Following the report by Ross Whitley, CPA, of the Berman, Hopkins, Wright and LaHam auditing firm, a MOTION by Mr. Klein, supported by Mr. Ahrens, to approve the 9/30/04 Annual Financial Report as presented. Motion carried with unanimous voice vote.
- b. A MOTION by Mr. Kenyon, supported by Mr. Klein, to approve the renewal of the auditing firm contract for a two year period. Motion carried with unanimous voice vote.

**Town Attorney:**

A MOTION by Mr. Klein, supported by Mr. Kenyon, to approve Ordinance No. 474, restaurant hours of operation on second reading. Motion carried 4-1, Mayor Cadden dissenting.

**Town Manager:**

- a. A MOTION by Mr. Kenyon, supported by Dr. Becker, to waive the sealed bid process and sell the two surplus police vehicles to the Indian River Police

Academy for a total amount of \$10,000. Motion carried with unanimous voice vote.

- b. A MOTION by M. Kenyon , supported by Mr. Klein, to reschedule the March 24<sup>th</sup> Town Council meeting to March 31, 2005. Motion carried with unanimous voice vote.
- c. A MOTION by Dr. Becker, supported by Mr. Kenyon, to call a special meeting for the purpose of swearing in new Council members and electing a Mayor and Vice Mayor on Wednesday, March 9, 2005 at 9:00 a.m. Motion carried with unanimous voice vote.

Call to Council:

Council of Public Officials - Mr. Kenyon reported they met and discussed water, FEMA, insurance and the Sunshine Law.

Land Acquisition Advisory Committee - Mr. Klein reported they met and he provided a written report.

Metropolitan Planning Organization - Dr. Becker reported they did not meet.

Beach and Shore Preservation Advisory Committee - Mr. Ahrens reported they met and he provided a written report.

Parks and Recreation Advisory Committee - Mr. Ahrens reported they met and he provided a written report.

Treasure Coast Regional Planning Council - Mr. Ahrens reported they met and he provided a written report.

Treasure Coast Council of Local Governments - Mayor Cadden reported they met and a presentation was given by the South Florida Water Management District and mitigation was discussed.

Mayor Cadden reported to Council that he had been elected to the Florida League of Cities Board of Directors.

Meeting adjourned at 4:38 p.m.

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Barbara A. Readdy, Town Clerk

